201-15463

Petroleum HPV

July 16, 2004

The Honorable Michael O. Leavitt, Administrator
United States Environmental Protection Agency
PO Box 1473
Merrifield, VA 22116

Attention: Chemical Right-to-Know Program

RE: Response to Comments on Reclaimed Petroleum Hydrocarbons Test Plan
HPV Consortium #

Dear Administrator Leavitt,

The Petroleum HPV Testing Group is a consortium representing 92 percent of the nation's petroleum refining capacity. The Group is made up of 70 member companies of the American Petroleum Institute (API), the National Petrochemical & Refiners Association (NPRA), the Gas Producers Association (GPA) and the Asphalt Institute. The Testing Group appreciates the comments it received on its Test Plan for Reclaimed Petroleum Hydrocarbons that was received by EPA on October 3, 2003 and posted on the Agency's ChemRTK website. The Environmental Protection Agency (EPA), Environmental Defense (ED) and the People for the Ethical Treatment of Animals (PETA) on behalf of several animal welfare organizations submitted comments on the Test Plan. The three sets of comments contained questions and observations that require a response from the Testing Group. In the interest of communicating our intent with all interested stakeholders, the Testing Group is providing a revised Test Plan for posting on the ChemRTK website. In addition, the document will also be posted on our website, www.petroleumhpv.org.

Both EPA and ED commented that the diverse materials identified in this document do not represent a category as defined in the EPA guidance document and rejected category status for the five materials presented in the plan. The Testing Group acknowledges that the substances identified in the test plan may not constitute a "category" according to their chemical similarity. They were grouped together for convenience since all five represented petroleum byproducts or wastes whose composition was not known. The test plan has now been revised to show them as five separate chemical substances.

The Testing Group argued in its original test plan that because "slop oils" were composed of an almost infinite combination of various petroleum hydrocarbons, that the chemical composition of these materials could not be determined with any degree of certainty. As a result, there is no representative composition that could be assigned to a particular CAS numbered substance. However, because the hydrocarbons found in slop oils are the same as those contained in other petroleum products, it was suggested that the information being generated in test plans for other petroleum products was adequate to characterize a particular slop oil sample, once it was analyzed to determine its composition.

EPA agreed conceptually with the approach of *"assessing complex mixtures by examining data on components of that mixture (in this case, petroleum streams that are in other HPV submissions and are somehow related to the reclaimed waste streams)"*. The Agency went on to say that this approach "*requires that a comparison of the compositions be made between the reclaimed waste streams and the appropriate petroleum streams so that the HPV endpoints can be adequately characterized. Until this type of characterization and comparison is done, the adequacy of the data assigned for each endpoint cannot be determined*". Similarly, ED recommended that separate test plans and robust summaries be prepared for each of the five substances and that studies be conducted on representative samples for each material where data gaps existed.

The Testing Group apparently did not adequately convey the complexity in chemically characterizing the CAS numbers assigned to slop oils. A revised discussion has been prepared in the test plan for Reclaimed Petroleum Hydrocarbons which we believe more clearly explains the generation and complexity of these materials. The basic premise of the discussion is that the hydrocarbon mixtures for these CAS numbers are so diverse that characterizing a typical composition is not possible. For example, the source of slop oil in a refinery, (described as petroleum wastes, CASRN 68477-26-9), can be material collected from maintenance on a particular unit, material skimmed from wastewater treatment plants, material collected from storm drains, etc. Its composition on any one day is dependent on the source of the oil which differs from day to day, and from refinery to refinery. It may be comprised of diesel fuel and gasoline on one day, and lube oil and fuel oil on another day.

PETA, recognizing the inherent variability in these materials, agreed that because of the *"extensive characterization of similar compounds in the HPV program and other efforts, the fundamental nature of petroleum compounds in general, and the limited exposure to these compounds, it is completely appropriate that no further animal tests be conducted for these compounds"*. The Testing Group continues to believe that efforts to chemically characterize slop oils are not warranted because of the diversity in sources within the refinery that contribute to its composition. Furthermore,

- They represent byproducts in the refining of petroleum products that are not introduced into commerce
- The only potential for exposure to slop oils is in the refining industry
- Hydrocarbons contained in slop oil are recovered and refined into petroleum products to the greatest extent possible
- Hydrocarbons that are not recoverable are disposed of as a waste
- The hydrocarbon species present in these oils are the same as those being addressed in the other petroleum product test plans

The Testing Group maintains that information being generated in other petroleum product test plans will provide adequate information to characterize any potential health or environmental hazards that might be presented by slop oils. We appreciate the comments and interest by all stakeholders.

If you have further questions or comments about the program, please call me at (202) 282-8344, or Tom Gray at (202) 682-8480. Additionally, the Petroleum HPV Testing Group would welcome the opportunity to further technical discussions in a meeting with EPA, if required.

Sincerely,

Lorraine Twerdok
Administrator
Petroleum HPV Testing Group

Cc: R. Hefter, EPA
O. Hernandez, EPA
Petroleum HPV Oversight and Technical Committees